

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DONALD A. BALDER

PLAINTIFF

v.

CIVIL ACTION NO. 2:16cv130-KS-MTP

THOMAS E. LAVIN, et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff's Motions [98][99] to Quash And To Exclude. The Discovery deadline in this matter expired on March 6, 2018. On June 18, 2018, Defendants served a subpoena on the accounting firm Topp McWhorter Harvey, PLLC seeking Plaintiff's financial information. *See* [97]. The Motions [98][99] request that this subpoena issued by the Defendants be quashed as untimely because it was served well beyond the discovery deadline.

The trial court is afforded broad discretion to preserve the integrity and purpose of the pretrial order. *Geiserman v. MacDonald*, 893 F.2d 787, 790 (5th Cir.1990). Defendants did not seek leave of Court to serve this subpoena after the discovery deadline expired, and the parties were afforded considerable time to conduct discovery. To allow the parties to continue with discovery well beyond the deadline and without leave of Court would render the Case Management Order and the case deadlines meaningless.

IT IS, THEREFORE, ORDERED THAT:

1. Plaintiff's Motions [98][99] to Quash And To Exclude are GRANTED to the extent set forth below.
2. The subpoena served on Topp McWhorter Harvey, PLLC is hereby QUASHED;
3. If the subpoena has been complied with, Defendants shall return or destroy any documents received. If received in digital format the files shall be deleted. If received in a paper or physical format, all copies shall be destroyed and the originals returned to Topp McWhorter Harvey, PLLC.

SO ORDERED, THIS the 27th day of June, 2018.

s/ Michael T. Parker

United States Magistrate Judge